

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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Marsha Byrd,

Plaintiff,

v.

Amanda Laub

Defendant.

Case No. 2:23-cv-01173-APG-DJA

Order

Florence McClure Women's Correctional Center inmate, Plaintiff Marsha Byrd, submitted initiating documents to the Court which include an application to proceed *in forma pauperis*. (ECF No. 1). However, Plaintiff's initiating documents are missing a complaint, an inmate account statement for the past six months, and a financial certificate. Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2,¹ an incarcerated plaintiff seeking to proceed without paying the filing fee must complete an application to proceed *in forma pauperis* and attach: (1) an inmate account statement for the past six months; and (2) a financial certificate from the institution where she is incarcerated certifying the amount of funds in the plaintiff's trust account at the institution. If the plaintiff has been incarcerated at the institution for fewer than six months, the certificate must show the account's activity for the shortened period. LSR 1-2.

Here, Plaintiff's application is incomplete because it does not include the financial certificate, which is on page four of this Court's form application. Additionally, Plaintiff did not submit an inmate account statement for the past six months. Finally, Plaintiff has not submitted a complaint. The Court will therefore deny Plaintiff's application to proceed *in forma pauperis*

¹ Local Rule refers to the Local Rules of Practice for the United States District Court for the District of Nevada.

without prejudice. If Plaintiff chooses to file another *in forma pauperis* application, then she must file a complete application on this Court's approved form including all the documents referenced in this order.

IT IS THEREFORE ORDERED that Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is **denied without prejudice**.

IT IS FURTHER ORDERED that the Clerk of Court is kindly directed to send Plaintiff: (1) a blank application to proceed *in forma pauperis* by an inmate as well as the accompanying instruction packet; and (2) a form civil rights complaint by an inmate as well as the accompanying instruction packet.²

IT IS FURTHER ORDERED that by **August 28, 2023**, Plaintiff must either: (1) file a complete application to proceed *in forma pauperis*, on the correct form with complete financial attachments; or (2) pay the full \$402 filing fee for a civil action, which includes the \$350 filing fee and the \$52 administrative fee. Regardless of whether Plaintiff chooses to pay the filing fee or file an application to proceed *in forma pauperis*, she must also file a complaint on or before **August 28, 2023**. Failure to comply with this order will result in a recommendation to the district judge that this action be dismissed.

DATED: July 28, 2023

DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE

² These forms can be found online at <chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://www.nvd.uscourts.gov/wp-content/uploads/2020/12/IFP-Inmate-Packet-Effective-12-1-20-FINAL.pdf> and <chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://www.nvd.uscourts.gov/wp-content/uploads/2021/11/Final-1983-Complaint-and-Instructions.pdf>, respectively.